The opinion in support of the decision being entered today was <u>not</u> written for publication and is <u>not</u> binding precedent of the Board.
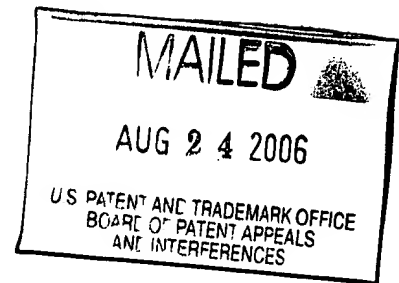
UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

<u>Ex parte</u> VIKTORS BERSTIS

Appeal No. 2006-1606
Application No. 09/406,435

ON BRIEF

Before THOMAS, KRASS, and BLANKENSHIP, <u>Administrative Patent Judges</u>.

BLANKENSHIP, <u>Administrative Patent Judge</u>.

<u>DECISION ON APPEAL</u>

This is a decision on appeal under 35 U.S.C. § 134 from the examiner's final rejection of claims 1-4, 6-15, 17-26, and 28-33, which are all the claims remaining in the application.

We reverse.

BACKGROUND

The invention relates to a system and method for keeping downloaded files

current with respect to the respective source of the downloaded files. Representative

claim 1 is reproduced below.

> 1.   A method for keeping files current for use in a client computer system
> coupled to a network, the method comprising the steps of:
>
> evaluating at said client a downloaded file from a source within said
> network to determine if a source identifier is present in said downloaded file,
> wherein said downloaded file is stored at said client with a signature string
> utilized to find said source identifier within said file and one or more identifying
> parameters from among: (1) a locator string identifying a network location from
> which the file is sourced, (2) a date/time and version number of said file; and (3)
> a checksum string covering prior entries of said file;
>
> dynamically checking said source periodically utilizing said source
> identifier to determine if a newer version of said downloaded file exists; and
>
> . replacing said downloaded file at said client with a complete copy of said
> newer version when said newer version of said downloaded file exists at said
> source.

The examiner relies on the following references:

Kullick et al. (Kullick)	US 5,764,992	Jun. 9, 1998
Smith et al. (Smith)	US 6,006,206	Dec. 21, 1999 (filed Sep. 8, 1997)
Ball et al. (Ball)	US 2002/0120648 A1	Aug. 29, 2002 (effective filing Oct. 27, 1995)

Claims 1-3, 6, 9-14, 17, 20-25, 28, and 31-33 stand rejected under 35 U.S.C.

§ 102 as being anticipated by Ball.

Claims 4, 15, and 26 stand rejected under 35 U.S.C. § 103 as being unpatentable over Ball.

Claims 8, 19, and 30 stand rejected under 35 U.S.C. § 103 as being unpatentable over Ball and Kullick.

Claims 7, 18, and 29 stand rejected under 35 U.S.C. § 103 as being unpatentable over Ball and Smith.

We refer to the Final Rejection (mailed Jun. 2, 2005) and the Examiner's Answer (mailed Dec. 23, 2005) for a statement of the examiner's position and to the Brief (filed Oct. 5, 2005) and the Reply Brief (filed Feb. 23, 2006) for appellant's position with respect to the claims which stand rejected.

OPINION

Claims 1-3, 6, 9-14, 17, 20-25, 28, and 31-33 are rejected under 35 U.S.C. § 102 as being anticipated by Ball. Instant claim 1 recites a method for keeping files current in a client computer system coupled to a network, comprising evaluating at the client a downloaded file from a source within the network to determine if a source identifier is present in the downloaded file. The rejection of claim 1 recognizes that, in Ball, archiving of Web pages is done on a separate server and changes in the original document are detected. "In response to a request from a client to access a document, a current version of the document, as archived, is presented." (Answer at 3.) As the

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rejection indicates, the archived pages are associated with dates of modification and checksums (e.g., Ball ¶¶ 48-52; Fig. 3A).

How the teachings might be deemed to correspond to the language of instant claim 1, as purported at page 4 of the Answer, is unclear. We agree to the extent that a "source identifier" can be a URL. However, the rejection fails to identify a teaching in Ball that an identifying URL is present in a file downloaded at a client, much less that the client evaluates the file to see if the source identifier is present.

We may agree with the examiner that a file downloaded from a network location "must" have a source identifier (e.g., URL), as indicated at page 8 of the Answer, to the extent that the file must be associated with a URL. However, the finding does not speak to the specific requirement of instant claim 1. A URL, which may be a reference to a file location, is not necessarily contained within the target file. Moreover, as appellant notes, if a "source identifier" such as a URL were necessarily present in a downloaded file, there would be no need for the client to determine if the source identifier is present in the file, as required by the claim.

Instant claim 1 next requires that the downloaded file is stored at the client with a "signature string" utilized to find the source identifier within the file. The statement of the rejection (Answer at 3-4) does not identify what might be a "signature string" in Ball. The Answer (at 8) seems to contend that the source identifier (URL) itself is a "signature string" (i.e., "the use of a URL involves locating a file on a network location that is identified using a locator string and a signature."). The rejection does not

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identify, and we do not find, where Ball might disclose storing a downloaded file at the client with a signature string utilized to find the source identifier within the file. We note that claim 1 requires storing a signature string in addition to one or more (i.e., at least one) of the three identifying parameters specified in the claim.

The remainder of the independent claims on appeal (12 and 23) contain similar language to that of claim 1 that we have discussed. Instant claim 12 is broader in one aspect than claim 1, in that the evaluation of the downloaded file is not limited to be at a client computer. However, the rejection further fails to show that some system other than the client described by Ball meets the requirement of determining if a source identifier is present in the downloaded file, and storing the downloaded file with a signature string utilized to identify the source identifier within the file.

Kullick, Smith, and the § 103 rejections do not remedy the basic deficiencies in the § 102 rejection applied against the independent claims. We thus do not sustain any of the appealed rejections.

CONCLUSION

The rejection of claims 1-4, 6-15, 17-26, and 28-33 is reversed.

REVERSED

JAMES D. THOMAS
Administrative Patent Judge

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ERROL A. KRASS   )   APPEALS
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Administrative Patent Judge   )

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